

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-37 and 39-40 are pending. Claims 26-30, 33 and 36 were previously withdrawn from consideration without prejudice or disclaimer. Claims 1, 13, 31-35 and 37 are independent. Claims 1-2, 13-14, 31-32, 34-35 and 37 are hereby amended. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification and, for example, at page 2, lines 11-24; page 10, line 15 to page 11, line 11 and FIG. 1.

Claim 38 is hereby canceled. The features of claim 38 are included in amended claim 37. Claims 39 and 40 are hereby amended to correct the dependency of those claims.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Allowable Subject Matter

Applicants thank the Examiner for noting that claims 4-11, 16-24, 39 and 40 include allowable subject matter.

Claim of Foreign Priority under 37 C.F.R. 119

Applicants request that the Examiner acknowledge Applicants' claim of foreign priority benefits under §119. The claim of foreign priority with a certified copy of the foreign priority document (Japan Application No. 2000-332483), was sent by express mail to the U.S. Patent and Trademark Office on October 30, 2001 with the Patent Application Transmittal of the present application. A confirming return postcard has been received. For the convenience of the Examiner, Applicants have enclosed a copy of the Patent Application Transmittal, Declaration, first page of the certified copy of the priority document and confirming return postcard. Accordingly, it is requested that the Examiner indicate the receipt thereof.

II. REJECTIONS UNDER 35 U.S.C. §102

Applicants note that the Office Action does not address claims 34 and 35. Applicants will presume the Office Action meant to include those claims in this rejection.

Claims 1-3, 13-15, 31, 32, 37 and 38 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,744,891 to Allen (hereinafter, merely Allen). Applicants respectfully traverse this rejection.

Independent claim 1 recites, *inter alia*:

“... quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information . . .”
(emphasis added).

In a first embodiment of Allen, the partially-degraded version of the data that includes the encrypted portion and a decryption key are provided to a user terminal. The user terminal can decrypt the encrypted portion of the data using the key and reconstruct an un-degraded version of the data.

In a second embodiment of Allen, a customer is provided with an option to select one of a number of different quality levels corresponding to an amount of royalty fee paid.

It is asserted in the Office Action that improvement information of the present application might be associated with the decryption key in the first embodiment of Allen. It was also asserted that “the another” improvement information of the present application might be associated with the one of a number of different quality levels in the second embodiment of Allen.

However, the quality improving means of the present application can improve the quality of the data according to “at least both the improvement information and the another improvement information” as recited in claim 1. The Office Action does not disclose a single method in Allen for improving the quality of the data using the decryption key and the one of a number of different quality levels because the decryption key and the one of a number of different quality levels belong to different embodiments, respectively.

As understood by Applicants, Allen discloses a method for providing a partially-degraded version of data over a network to some customers and providing a higher quality version of the data to other customers. Thus, Allen provides data to customers based upon a quality-level requested. That is, the data provided is at one of several different resolution levels. Col. 5, lines 32-38.

In contrast, the present application recites, “improving the quality of the data according to at least both the improvement information and the another improvement information.” The data is provided at a certain quality level not different quality levels as in Allen. Improvement information for improving the quality of the received data is received with the data. The quality of the data is improved by application of the improvement information. Another, or second,

improvement information is received. The received data is further improved by application of the second improvement information. Thus, in the present application, the quality of received data is incrementally improved by application of at least both improvement information and the second improvement information.

Therefore, it is respectfully requested submitted that claim 1 is not anticipated by Allen because that reference does disclose each and every limitation recited in the claim. In particular, Allen does not disclose, “at least both the improvement information and the another improvement information” as recited in claim 1.

For somewhat similar reasons, it is also respectfully requested submitted that independent claims 13 and 31-35 is also distinguishable from Allen.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 12 and 25 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 6,744,891 to Allen.

For substantially the same reasons as argued above, the present application is patentable over Allen because that reference does not teach or suggest, “at least both the improvement information and the another improvement information” as recited in claim 1.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


Claims 1-25, 31, 32, 34, 35, 37 and 39-40 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800